

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

**MEMORANDUM AND ORDER**  
Criminal No. 15-cr-113 (MJD)

Daniel Dean Alley,

Defendant.

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Katherine T. Buzicky, Assistant United States Attorney, Attorney for Plaintiff.

Daniel Dean Alley, Pro Se.

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**I. INTRODUCTION**

On January 17, 2023, this Court denied Defendant's pro se Motion to Vacate Under 28 U.S.C. § 2255(f)(3). (Doc. 204.) Defendant timely appealed the Court's order. (Doc. 206.) On February 14, 2023, the Eighth Circuit remanded the case for a determination of whether to issue a certificate of appealability. (Doc. 209.)

**II. DISCUSSION**

Under Slack v. McDaniel, 529 U.S. 473, 484 (2000), in resolving a § 2255 motion, the Court must issue a certificate of appealability on both its procedural and substantive rulings unless it makes certain findings. For its procedural

rulings, to deny a certificate of appealability, the Court must find that no “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right;” nor would “jurists of reason . . . find it debatable whether the district court was correct in its procedural ruling.” Id. For its decisions on the merits, to deny a certificate of appealability, the Court must find that no “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Id. These requirements are satisfied both with regard to Defendant’s substantive claims for relief and to the Court’s decision regarding the expiration of the statute of limitations on his non-Taylor-based claims. (Doc. 204 at 2-5.) Accordingly, the Court will not issue a certificate of appealability.

### III. ORDER

Based upon all files, records, and proceedings herein, **IT IS HEREBY ORDERED** that the Court will not issue a Certificate of Appealability for its Order denying Defendant’s pro se Motion to Vacate Under 28 U.S.C. § 2255(f)(3).

Dated: February 27, 2023

s/Michael J. Davis

Michael J. Davis

United States District Court